



**The Buena Vista Planning & Zoning Commission
Buena Vista Community Center, Piñon Room
715 East Main Street
February 19, 2020 at 6:00PM
*AGENDA***

REGULAR MEETING OF THE PLANNING & ZONING COMMISSION

- I. Call to Order**
- II. Pledge of Allegiance**
- III. Roll Call**
- IV. Agenda Adoption**
- V. Approval of Minutes – January 22, 2019**
- VI. Public Comment**
- VII. New Business**
 - 1. Discussion on Proposed Amendments to Chapter 7, 8 and 16 of the Municipal Code**
- VIII. Staff/Commission Interaction**
- IX. Adjournment**



**Minutes of the Regular Meeting of the
Buena Vista Planning and Zoning Commission
January 22, 2020**

CALL TO ORDER

A regular meeting of the Planning and Zoning Commission was called to order at 6:01 pm, Wednesday, January 22, 2020 at the Buena Vista Community Center, 715 E Main Street, Buena Vista, Colorado by Chair Preston Larimer. Also present were Vice Chair Lynn Schultz-Writsel, Commissioners Thomas Doumas, Craig Brown, and Alternate Commissioner Tony LaGreca.

Staff Present: Principal Planner Mark Doering and Planning Technician Robin Mesaric-King.

PLEDGE OF ALLEGIANCE

Chair Larimer led in the Pledge of Allegiance.

ROLL CALL

Mesaric-King proceeded with the roll call and declared a quorum.

AGENDA ADOPTION

Larimer requested to re-order the agenda. Doumas motioned to adopt the agenda as amended, **Motion #1** seconded by Schultz-Writsel. Motion carried.

APPROVAL OF MINUTES

Schultz-Writsel motioned for approval of the January 8, 2020 minutes as presented. **Motion #2** was seconded by Doumas. Motion carried.

PUBLIC COMMENT

Public comments opened at 6:03 pm. With no comments, public comment was closed at 6:03 pm.

STAFF / COMMISSION INTERACTION

Doering discussed the technical problems with the current Ipads, and possible different solutions.

There will be a Board of Trustees meeting on February 11, 2020 at 6:00 pm for a work session with the Historic Preservation Commission to have a discussion on proposed Architectural Guidelines for East Main Street.

NEW BUSINESS

Update on the Housing and Health Disparities Grant Presented by Becky Gray, Chaffee County Director of Housing

Becky Gray, the Director of the Chaffee County Health and Housing, gave an overview of the Housing and Health Disparities Grant, who awarded the grant, what the grant is to be used for, the amount of funding, the 2019 events and subject matter experts, the number of participants who attended the associated public meetings, the upcoming events and presenters for 2020, conference, and the time frame of the grant.

Discussion on Proposed Amendments to Chapter 16 of the Municipal Code

Doering explained the reasons that several code clarifications were being brought back to the Planning and Zoning Commission for review, and the criteria for approval for amendments to the Unified Development Code (UDC).

Doering explained the code clarification needed on Table 2.3 to make it match Table 2.8 and 2.9.

Doering explained Table 4.5, relating to monument and pole signs in residential zone and mixed-use zone districts. He stated that certain commercial uses are allowed in a residential and mixed use zone district but the code prohibits pole and monument signs; and that a large number of the existing signs in the zone districts are monument and pole signs(i.e. apartment complex, church, book store). The Commission generally discussed the allowed size of sign in commercial zone districts, square foot sizes of existing signs, height restrictions, pros and cons of allowing signs in those zone districts by use, the possibility of a Comprehensive Sign Plan review, lighting, the effects on surrounding neighbors, context sizes, and introduction of a 40 sq. ft. size limit per property.

The Commission discussed limiting the speed in which electronic message boards change the message.

Doering explained the correction to Table 6.2 to match the written code section 6.7.1.

The use section for kennels does not clarify the setback shall be from residential adjoining properties.

4.2 Access and Circulation: Doering explained that in the residential zone district access must be taken from the alley, but that this is not referenced in the mixed use zone districts. The commission recommended no new curbs in the MU-MS zone district unless an alley is not present, and on side streets for one block north and south off of East Main Street unless an alley is not present. Access must be taken from the alley in all zone districts if one is present excluding I-1 and H-C. No drive through access onto East Main Street or on side streets for one blocks north and south off of East Main Street.

Table 4.1: Add all drive throughs require 3 stacking spaces regardless of use.

3.2.1 Small multi-family: Commissioners generally discussed allowing it west of the highway in the R-1 OT and R-2 OT zone district. Remove only east of Highway 24.

Section 3.2.4.c add "and/or trailer" wherever recreational/camping vehicle shows up.

Section 16.5.3.4 School Fee: change wording and reference fee adopted by the Buena Vista School District.

ADJOURNMENT

There being no further business to come before the Commission, Doumas motioned to adjourn the meeting at 8:30 p.m. Shultz-Writsel seconded. **Motion #3** was unanimously approved.

Respectfully submitted:

Preston Larimer, Chair

Robin Mesaric-King, Planning Technician



TOWN OF BUENA VISTA

P.O. Box 2002
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DATE: February 19, 2020

TO: Planning and Zoning Commission

FROM: Mark N. Doering, Principal Planner

AGENDA ITEM: Discussion regarding proposed amendments to the Unified Development Code (UDC)

Staff Recommendation

Staff is recommending that the Planning and Zoning Commission consider amending the UDC to correct portions of the code that are either not correct or touch on issues specifically not addressed in the current code language to provide clarity on items that have arisen since the adoption of the UDC. Staff is providing proposed changes for the Planning and Zoning Commission to consider, based upon the direction the Planning and Zoning Commission provided when staff previously brought those items for discussion.

The criteria that would be used for analysis of each proposed code change are listed after the summary of issues for the Planning and Zoning Commission's consideration for a recommendation to the Board of Trustees on a final decision of the proposed amendments.

Attachments

Attachment A – Link to the [Zoning Map](#)

Attachment B – Link to the entire [Unified Development Code](#)

Attachment C – Link to the entire [Comprehensive Plan](#)

Attachment D – Draft Ordinance concerning Camping, Parking, And Recreational Vehicles

Attachment E – Draft Ordinance concerning amendments to the Unified Development Code

I. Summary of Requests

After working with the UDC since its adoption in 2018, staff continues to see changes needed to address deficiencies in the UDC after applying it to a variety of situations that arise in developments using the new code. The list of proposed changes is meant to clarify and correct situations that staff has identified to bring to the Planning and Zoning Commission and Board of Trustees for resolution. A list of those proposed amendments that staff is seeking guidance on as we continue to use the UDC to regulate new development is provided below.

Issues Identified for the Commission are:

1. Section 3.2.4.C. (Short-Term and/or Long-Term Storage of Recreational/Camping Vehicles) does not specifically address trailers other than campers and RVs, such as utility trailers and does not address seasonal camping. Staff has proposed amending that section to include Temporary Seasonal Camping for Industrial zoned properties to allow for seasonal use for employers, particularly for rafting companies that have seasonal employees during the summer. Additionally, staff is proposing to remove the camping provisions from Chapter 16 (the UDC) and replace the camping provisions into Chapter 7 (Health Sanitation and Animals Section) and Chapter 8 (Vehicles and Traffic) of the Municipal Code, where they are intended to provide for better enforcement of those provisions by

the Police Department and Code Enforcement. A separate proposed ordinance has been prepared by the Town Attorney and Code Enforcement Officer for those changes and is included as Attachment D. The rest of the changes to the Unified Development Code from the Planning Department are listed in Attachment E and further delineated as listed below.

2. There is a conflict in Table 2.3 of the code relating to the minimum lot area for the MU-1 and MU-2 zone districts that differs from the information listed in Tables 2.8 and 2.9 which were corrected with the last code change done in 2019. Table 2.3 shows 2,500 square feet instead of the correct 0 square feet as the minimum size of a property.
3. Table 4.5 as currently listed prohibits freestanding monument signs in residential and mixed-use districts. That requirement is appropriate for single family homes on individual lots, but fails to allow for signs for multifamily developments and some non-residential uses in those districts. Apartment buildings and churches do not have any opportunity to provide new freestanding signs for the public and any existing signs in those situations are now non-conforming. 60 square feet for those types of signs may be too large if allowed as currently allowed for commercial properties in town. Staff is proposing that multifamily and non-residential properties located in Mixed-Use and Residential Zone Districts have a separate standard for signs allowing one sign per street frontage up to a maximum of 32 square feet and a maximum of 6 feet.
4. Section 3.2.3. does not currently indicate that any kennel or vet hospital must also be licensed by the state of Colorado as required by the Colorado Revised Statutes. Staff is proposing to adjust the requirement for outside runs stipulates to be at least 150 feet from any residential property line, to allow for outside runs to be closer than the 150 feet from other non-residential property lines.
5. Section 4.2 (Access and Circulation) does not specifically prohibit vehicular access to East Main Street or properties in the MU-1 and MU-2 districts that don't have direct access from the highway. Section 4.5 has provisions preventing access to streets when an alley provides access to a property, but only in the residential design standards, and is not in the non-residential design standards. Staff is proposing to prevent direct vehicular access to properties from East Main Street, while leaving vehicular access to properties from side streets as a possibility at the discretion of the Town Administrator's review (or Planning and Zoning Commission or Board of Trustee if they are the reviewer) of a specific site at the time of a Site Plan application.
6. Section 4.5.3. (Nonresidential Site and Building Design Standards) does not specifically address drive through facilities such as banks and restaurants for nonresidential uses in downtown (in the MU-MS, MU-1, or MU-2 zone district that do not also abut the highway).
7. Section 3.2.1.C. only allows small multifamily (four units or less) in the R-1 OT and the R-2 OT zone districts when located east of the highway. Additionally, Large multifamily (5 or more units) are allowed with a Special Use Permit in the R-2 zone district. Staff is proposing to have small multifamily (4 or less units) allowed in the the R-1 OT zone district east of Highway 24, in the R-2 zone district, and in R-2 OT zone districts (on both sides of the highway) with the approval of a Special Use Permit. Small Multifamily is proposed to not be allowed in the R-1 OT zone district west of the highway to maintain the character of that single-family use area as single-family homes.
8. Table 4.1 has minimum stacking spaces for drive-through lanes for restaurants and personal services, but does not have any for office (banks are considered offices in the UDC) or for retail uses. Staff is proposing to have a minimum of 3 stacking spaces for all drive-through lanes to be applied to any drive through use instead of than trying to get all potential uses that may have drive-through facilities. Staff's proposal is to add Stacking at the beginning of Table 4.1 as a separate row indicating all Uses require a minimum of 3 stacking spaces per lane for all new uses. Existing drive through facilities that

do not meet that standard would become non-conforming subject to the requirements of Chapter 1 of the UDC.

9. Table 6.2 incorrectly lists Administrative Adjustments as not needing notice while Section 6.7.1.C. identifies 10 days for a notice. Staff is proposing adjusting Section 6.7.1.C. and Table 6.2 to show that notices shall be mailed to property owners within 300 feet at least 15 days prior to the Town Administrator's decision for those applications. 15 days is consistent with public notices for other applications and would allow for slightly longer time for those property owners to comment on a proposed decision.

II. Criteria used for evaluating Amendments to the UDC:

Section 6.4.3. of the UDC provides specific criteria for amending the text of the UDC. The Planning and Zoning Commission shall consider the requested amendments by evaluating each one using the following criteria:

- i. Is consistent with the Comprehensive Plan;
- ii. Does not conflict with other provisions of the UDC or Town Code;
- iii. Is necessary to address a demonstrated community need;
- iv. Is necessary to respond to changing policy or conditions;
- v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern; and
- vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

Each criterion is listed in **bold text** and staff's analysis follows each item in plain text.

i. Is consistent with the Comprehensive Plan.

Staff has proposed amendments that address goals and policies identified in the Comprehensive Plan. Below is a list of those that are addressed with the proposed changes:

- Review provisions in the Land Use Code and provide educational materials to facilitate code compliance for new businesses.
- Buena Vista will develop commercial design standards in the Land Use Code applicable to appropriate zone districts, including the Highway 24 corridor and downtown core, to ensure that commercial development complements and promotes the Town's desired image.
- Buena Vista will continue to support and promote whitewater-related tourism.
- Buena Vista will participate in efforts to revitalize East Main Street
- Establish new zoning districts that encourage mixed-use development, greater density and address affordable housing.
- Develop dimensional standards that will support in-fill development and neighborhood compatibility.
- Improve development standards with an emphasis on building design, location, massing, and form.
- Develop parking standards that will support new development and ensure neighborhood compatibility.
- Support historic preservation efforts and encourage new housing design to respect the design of historical resources.
- Alley access should be improved and utilized wherever possible instead of curb cuts.

- Formalization of setback requirements, architectural guidelines, and signage should also be completed.

ii. Does not conflict with other provisions of the UDC or Town Code.

Several proposed amendments are to correct conflicts within the UDC. Staff is correcting the minimum lot size conflicts for the MU-1 and MU-2 zone district, correcting minimum days for mailing a notice, and correcting the ability to have a small multifamily development with a special use permit where a large multifamily use is already allowed with a special use permit in the R-2 zone district.

iii. Is necessary to address a demonstrated community need.

The proposed changes are the result of using the UDC over the last year and a half and either finding corrections that are needed due to a conflict, or are the result of not being able to provide a regulation because they do not yet exist in the UDC.

iv. Is necessary to respond to changing policy or conditions.

Several changes are to address an existing conflict while others are the result of trying to apply regulations to projects that staff has not been able to resolve because there is not a regulation in place for a particular situation. Signs for churches and apartment buildings is an example of where the UDC does not provide a direction in residential or mixed-use districts as currently written, while changes to the conflicts in the current code need to be addressed to avoid confusion where they are currently written. Changes to access for vehicular access and circulation need to be clearly defined as the Town is starting to get significant development requests along East Main Street and in downtown.

v. Is consistent with the purpose and intent of the zoning districts in the UDC, would improve compatibility among land uses, or would result in an orderly and logical development pattern.

Staff is proposing changes that will help address the purpose and intent of the MU-MS, MU-1, and MU-2 zone districts by providing clearer direction on minimum lot size and will also address how vehicular access interacts with properties in those districts. Staff is allowing for vehicular access where no alleys exist and is providing more direction to focus access to lots along East Main Street to existing and proposed alleys, and only allowing the ability for any other access when it can minimize conflicts with sidewalks and street traffic.

vi. Would not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

No proposed changes result in significant adverse impacts to the environment and other natural features of town. Only one proposed change has a potential for impacts from noise in odor, but the intent is to allow them in commercial areas where those impacts are able to be adequately mitigated from other commercial properties. Changes to the outdoor runs of kennels result in the ability for those runs to exist, just not within 150 feet of a residential property line as proposed. The intent of that particular regulation is to allow those in commercial areas where they are not impacting residences and are part of the commercial activity in town.

III. History and Background

The proposed amendments are the result of applying the current UDC to real world situations that exist currently in Town. The UDC contains language where the regulation needs to be clarified or corrected to ensure that those affected by the regulation and those enforcing the regulation are on the same page.

IV. Process

Staff is presenting the items listed above to the Commission to get direction for any proposed changes, if they determine that they are necessary after staff has encountered them in its first year and a half of administering the UDC in town. The Town has drafted those changes and is submitting those proposed changes for the Commission's review on the application for the proposed changes as a UDC amendment as specified in Section 6.4.3. of the UDC. Staff is bringing them back to the Commission for its formal consideration to make a recommendation to the Board of Trustees.

If the proposed changes are approved by the Board of Trustees, those alterations will be implemented to provide better guidance for staff and applicants using the code.

V. Conclusion

Based upon the information and materials provided in the staff report, staff supports the proposed amendments to the UDC as listed in Attachments D and E.

1. The Town of Buena Vista is requesting approval of amendments to the UDC; and
2. Notice of the public hearing was posted as required by the Municipal Code; and
3. The application for amendments to the Unified Development Code is consistent with Section 6.4.3. of the Unified Development Code, and
4. The application for amendments to the Unified Development Code is consistent with the Comprehensive Plan.

THEREFORE

If the Planning and Zoning Commission accepts the conclusion and recommendation as presented in the staff report, it should recommend that the Board of Trustees **APPROVE** the proposed amendments to the Unified Development Code, as listed in Attachments D and E. If the Planning and Zoning Commission does not accept the recommendations and conclusions for certain proposed amendments, the Commission should alter or delete those amendments as part of its recommendation to the Board of Trustees.

Attachment A – Link to the [Zoning Map](#)

Attachment B – Link to the entire [Unified Development Code](#)

Attachment C – Link to the entire [Comprehensive Plan](#)

Attachment D – Draft Ordinance concerning Camping, Parking, And Recreational Vehicles

See the following Draft Ordinance on the following six (6) pages.

TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. __
(SERIES OF 2019)

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING THE BUENA VISTA MUNICIPAL CODE CONCERNING
CAMPING, PARKING, AND RECREATIONAL VEHICLES**

WHEREAS, the Board of Trustees desires to amend the Town of Buena Vista Municipal Code to address camping, parking and recreational vehicles in the Town of Buena Vista.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. Section 16.03.3.2.4(C) of the Buena Vista Municipal Code is hereby repealed and replaced with the following:

Temporary Seasonal Camping.

1. **Purpose and Intent.** To allow businesses located in the I-1 zone district with a need for seasonal workers to allow such workers to camp on such businesses' property. Allowing camping subject to the restrictions set forth herein will support important businesses in the Town while protecting the public health, safety, and welfare by limiting the impact of unregulated camping by such seasonal employees in other areas of the Town and Chaffee County.
2. **Permit Required.** Camping in the I-1 zone district is prohibited except as permitted herein.
3. **Duration.** Camping may only occur in the I-1 zone district between April 1 and September 31.
4. **Restrictions and Requirements.** Temporary camping in the I-1 zone district shall comply with the following:
 - a. Screening sufficient to block the camping area from view of neighboring properties and public property at street level.
 - b. Toilet facilities sufficient to serve the number of employees camping on the property.
 - c. Waste facilities sufficient to manage all garbage, include food waste for the employees camping on the property.
 - d. Potable water sufficient to provide for the needs of all employees camping on the property.
 - e. Camping may only occur on the same parcel or adjoining parcel upon which the

primary business activity is located. The property upon which the camping occurs must be owned by the same business for which the employees work.

- f. Site plan. A site plan showing the camping area, allocated camping spots, and all facilities.
 - g. Management/Operations Plan. A written management plan explaining how the camping area will be managed along with all rules for employees utilizing the camping area. The management plan shall include a point of contact for the town that will be available 24 hours per day 7 days per week. The management plan shall include the applicant’s rules for its camping area applicable to its employees and shall demonstrate how impacts to the neighboring businesses and surrounding area will be minimized. The management plan shall include, without limitation, information on quiet hours, pets, and how the business will enforce any violations of its policies.
5. **Application.** Applicants shall complete an application on a form provided by the Town. Applications shall be reviewed by the Town Administrator or his/her designee for compliance with the provisions set forth herein. If the Town Administrator or his/her designee determines that the proposed temporary camping can be conducted in compliance with the provisions set forth herein and in a manner that is compatible with the neighboring properties and the I-1 zone district, a permit shall be issued for the time period requested or such other time period as determined reasonable by the Town Administrator. The Town Administrator may impose conditions upon the permit as reasonably necessary to minimize the impact of the camping activity on the neighboring properties.
6. **Suspension and Revocation.** The Town Administrator may suspend or revoke a permit for a violation of any provisions set forth in this Section 3.2.4(C) or for any other violation of the Code, including without limitation the nuisance provisions set forth in Chapter 7 of the Code. The permittee may appeal the suspension or revocation of the permit by filing a written appeal with the Town Clerk within five (5) days of receipt of the revocation notice. The written notice shall set forth the grounds of the appeal and may be granted if the permittee demonstrates by a preponderance of the evidence that there was no violation as determined by the Town Administrator. The appeal shall be heard by the Board of Trustees at its next available meeting. The Board of Trustees may rule solely on the written appeal or allow testimony or evidence from the permittee and the Town Administrator.

Section 2. A new use is hereby added to the Temporary Use section in Table 3.1.4 of Chapter 16.03 as follows:

	R-1	R-2	R-3	MU-1	MU-2	MU-MS	HC	I-1	OSR	AP	Use-Specific Standards
Temporary Camping								T			3.2.4(C)

Section 3. A new Section 8-44 is hereby added to the Buena Vista Municipal Code to read as follows:

8-44. - Short-Term and/or Long-Term Storage of Recreational/Camping Vehicles.

The intent of these regulations is to allow residential owners to store personal recreational vehicles on their property or within approved off-site commercial storage facilities. Further, storage of recreational/camping vehicles shall comply with the following:

1. Long-term occupation of a recreational vehicle as a dwelling shall be prohibited unless within an approved recreational vehicle park.
2. Recreational/camping vehicles shall be parked on an improved surface such as gravel, asphalt, concrete, or pavers if stored in a front yard.
3. Recreational/camping vehicles may only be parked or stored on public property or in the public right-of-way for a period not to exceed seventy-two (72) hours in any one-week period, regardless of whether the owner of the recreational/camping vehicle is also the owner or occupant of the abutting parcel. The fact that the recreational/camping vehicle is moved along the same right of way, moved for the primary purpose of avoiding the seventy-two (72) hour limitation, or moved away for any period of fewer than twenty-four (24) hours, shall be ignored in determining whether or not a recreational/camping vehicle has remained parked for seventy-two (72) hours or more.
4. Notwithstanding any other provision of this Section, a recreational/camping vehicle may not be parked or stored in any manner that constitutes a public safety issue, including without limitation by blocking vehicular sight lines or creating unsanitary conditions.
5. Recreational/camping vehicles may not be parked or stored in the railroad right-of-way, except that a recreational/camping vehicle may be parked in any designated public parking lot subject to the same restrictions on any other vehicle.
6. Any recreational/camping vehicle parked or stored on a public right-of-way for longer than seventy-two (72) hours pursuant to this subsection or parked or stored in the railroad right-of-way in violation of this Section shall be considered abandoned pursuant to this Code.
7. A parked or stored recreational/camping vehicle may not be used for business operations, except as permitted through a temporary use or temporary vendor permit, or the storage of waste materials.
8. The parked recreational/camping vehicle must be operable and maintained as not to create a nuisance.
9. Except as provided in this subsection, recreational/camping vehicles shall not be used for dwelling or residential purposes.

a. A recreational/camping vehicle may be occupied in residential and mixed-use zoning districts in the public right-of-way for a period not to exceed seventy-two (72) hours in anyone-week period, provided that the owner or occupant of the immediately abutting parcel provides permission. The fact that the recreational/camping vehicle is moved along the same right of way, moved for the primary purpose of avoiding the seventy-two-hour limitation, or moved away for any period of time fewer than twenty-four (24) hours, shall be ignored in determining whether or not an RV has remained parked for seventy-two (72) hours or more.

b. A recreational/camping vehicle may be occupied in residential and mixed-use zoning districts on a private parcel for no more than twenty-one (21) days in any quarter of a calendar year (January-March, April-June, July-September, October-December), subject to the following:

i. A permit from the Town must be obtained after completing an application on a form provided by the Town Clerk.

ii. The permit shall be prominently displayed on the vehicle in a manner that is clearly visible from the public right-of-way.

iii. The permit may be revoked by the Town Administrator for a violation of this Section or any section of the Code, including without limitation Chapter 7 of the Code governing nuisances.

c. A recreational/camping vehicle shall be deemed to be used for dwelling or residential purposes if any of the following are evident:

1. Pop-outs and/or side canopies are employed.
2. The vehicle is connected to utilities, including water or electricity.
3. Inside lights, television, radio, or other electrical components are on.

The list set forth above shall not be deemed to be exclusive and any other evidence relating to the use of the vehicle for camping or residential purposes may be considered.

Section 4. The following uses in the Temporary Use section in Table 3.1.4 of Chapter 16.03 are hereby amended as follows:

	R-1	R-2	R-3	MU-1	MU-2	MU-MS	HC	I-1	OSR	AP	Use-Specific Standards
Short-term parking of recreational/camping vehicles	P	P	P					P			8-44
Long-term parking of recreational/camping vehicles	P	P	P					P			8-44

Section 5. A new Article IX is hereby added to Chapter 7 to read as follows:

ARTICLE IX – Camping

7-200. – Definitions.

“Camping” means to reside or dwell temporarily or permanently in a place with or without shelter, but does not include napping or sleeping during the day or picnicking. The term "shelter" includes, without limitation, any tent, tarpaulin, lean-to, sleeping bag, bedroll, blankets, vehicles, or any form of cover or protection from the elements other than clothing.

“Private property” means any real property that is not public property.

“Public property” means any real property, public right-of-way, public park, recreation area or other area owned, leased or under the control of the Town or other public entity.

"Reside or dwell" means to conduct daily life activities, including without limitation, eating, sleeping, bathing, or storing personal possessions.

7-201. – Camping on private property.

It shall be unlawful for any person to camp on any private property or to set up a tent, shack or any other shelter upon such property for such purpose within the town, except that it shall not be unlawful if such activity is conducted:

1. Pursuant to an approved special use permit;
2. By residents of the subject property and their invitees no more than two (2) nights in any calendar month; or
3. Pursuant to an approved permit issued by the Town Administrator upon application of the resident of the property on a form provided by the Town, provided that such camping shall not exceed a total of twenty-one (21) days in any quarter of a calendar year (January-March, April-June, July-September, October-December), subject to the following:

a. A permit from the Town must be obtained after completing an application on a form provided by the Town Clerk.

b. The permit shall be prominently displayed in a window of the residence in a manner that is clearly visible from the public right-of-way.

c. The permit may be revoked by the Town Administrator for a violation of this Section or any section of the Code, including without limitation Chapter 7 of the Code governing nuisances.

Sec. 7-202 . - Camping on public property.

It shall be unlawful for any person to camp in any public park or recreation area or upon any public property, or to set up a tent, shack or any other shelter upon such property for such purpose within the town, except that it shall not be unlawful if such activity is conducted pursuant to an approved special use permit.

Section 6. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 7. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this ____ day of _____, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Mayor, Duff Lacy

ATTEST:

Paula Barnett, Town Clerk

(SEAL)

Attachment E – Draft Ordinance concerning amendments to the Unified Development Code

See the following Draft Ordinance on the following four (4) pages.

**TOWN OF BUENA VISTA, COLORADO
ORDINANCE NO. __
(SERIES OF 2020)**

**AN ORDINANCE OF THE TOWN OF BUENA VISTA, COLORADO,
AMENDING THE BUENA VISTA MUNICIPAL CODE CONCERNING
CLARIFICATIONS OF THE UNIFIED DEVELOPMENT CODE**

WHEREAS, in 2018, the Town adopted the Unified Development Code (“UDC”);

WHEREAS, the Town now desires to amend certain sections of the UDC Code to clarify the requirements of the UDC;

WHEREAS, the Planning Commission of Buena Vista, at a duly notice public hearing, recommended _____ of the proposed amendments;

WHEREAS, the Board of Trustees, after a duly noticed public hearing, desires to amend the UDC as provided in this Ordinance; and

WHEREAS, the Board of Trustees specifically finds that these amendments are consistent with the Town’s Comprehensive Plan; do not conflict with any other provisions of the UDC or the Buena Vista Municipal Code; are necessary to address a demonstrated community need and respond to changing conditions; are consistent with the purpose and intent of the zoning districts in the UDC; improve compatibility among land use; result in an orderly and logical development pattern; and do not result in significantly adverse impacts to the natural environment, including air quality, water quality, wildlife, vegetation, and other natural features of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO:

Section 1. The following section of Table 2.3, Section 16.02.2.2.2 of the Buena Vista Municipal Code is hereby amended to read as follows:

Lot area, min. (square feet)	0	0	0	2,500
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Section 2. Section 16.03.3.2.1.D.1 of the Buena Vista Municipal Code is hereby amended to read as follows:

In the R-1 district, small multifamily dwellings are only permitted in the Old Town Overlay east of Highway 24.

Section 3. Sections 16.03.3.2.3.B and C of the Buena Vista Municipal Code are hereby amended to read as follows:

- B. Kennels
 - 1. Enclosed Building Requirements.

a. Those parts of structures in which animals are boarded shall be fully enclosed, with solid core doors and no operable windows, and shall be sufficiently insulated so no unreasonable noise or odor can be detected off the premises.

b. All boarded animals shall be kept within a totally enclosed part of a structure between the hours of 10:00 p.m. and 6:00 a.m.

2. Outdoor Runs. Any open or exercise run shall be at least one hundred fifty (150) feet from the property line of any adjoining properties zoned as a residential district.

3. Kennels must be licensed as required under state law.

C. Veterinarian Hospital or Clinic.

1. Outdoor overnight housing for animals is not permitted in the MU-1, MU-2, or MU-MS districts.

2. A veterinarian hospital or clinic must be license as required under state law.

Section 4. Section 16.04.4.2.1 of the Buena Vista Municipal Code is hereby amended to read as follows:

Purpose. The purpose of the access and circulation standards is to improve multimodal circulation for existing and future development areas, to increase the effectiveness of local service delivery and emergency service times throughout the Town and to minimize vehicular and pedestrian conflicts throughout Town.

Section 5. Table 4.1., Section 16.04.4.2.3 of Buena Vista Municipal Code is hereby amended by the following, to be inserted at the beginning of the Table:

All Use Categories	All uses with drive-through lanes	3 stacking spaces per drive-through lane
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Section 6. Section 16.04.4.2.3 of the Buena Vista Municipal Code is hereby amended by the addition of the following new subsections:

D. No new vehicular access shall be permitted from E. Main Street.

E. Vehicular access to streets, other than E. Main Street, shall be from alleys. Alternative vehicular access to a street other than E. Main Street may be granted at the discretion of the applicable decision-maker under this Code, based upon location and size of the access and how it minimizes pedestrian and vehicular conflicts with sidewalk and street traffic.

F. Driveways and access shall prevent parking and stacking on public sidewalks or stacking within the traveling portion of the right-of-way.

Section 7. Section 16.04.4.5.3 of the Buena Vista Municipal Code is hereby amended by the addition of a new subsection I to read as follows:

- (I) Blocks with Alley Access. Garages and carports on blocks with alley access shall be accessed from the alley, not from the primary street. Vehicular access from a street, other than E. Main, shall be at the discretion of the applicable decision-maker under this Code, and granted only if conflicts between vehicular and pedestrian traffic are minimized. New vehicular access from E. Main shall not be permitted.

Section 8. The following section of Table 4.5, Section 16.04.4.7.5 of the Buena Vista Municipal is hereby amended to read as follows:

Freestanding monument	4.7.5.B.6	Properties with single-family dwellings, two-family dwellings, and multi-family small dwellings: Not permitted; All other property uses: 1 per street frontage up to a maximum of 2	32 square feet in Residential and Mixed-Use Districts; 60 square feet in Commercial and Industrial Districts	8 feet in the Residential and Mixed-Use Districts; 16 feet in the Commercial and Industrial Districts
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Section 9. Footnote 3 of Table 4.5, Section 16.04.4.7.5. of the Buena Vista Municipal Code is hereby deleted and shall be marked as “Reserved.”

Section 10. The following section of Table 6.2, Section 16.06.6.3.4.B of the Buena Vista Municipal Code is hereby amended to read as follows:

Administrative Adjustments	6.7.1	Not Required	√	Not Required	15
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Section 11. Section 16.06.6.7.1.C.3 of the Buena Vista Municipal Code is hereby amended to read as follows:

a. **Public Notice.**

- i. When an application for an administrative adjustment is deemed complete, the Town Administrator shall notify all property owners within three hundred (300) feet of the subject parcel(s) via first class mail. Such notice shall indicate that comments will be accepted for a period of fifteen (15) days following the date of the notice.

ii. The Town Administrator shall not take official action on the administrative adjustment application until the 15-day comment period has lapsed.

Section 12. Severability. If any article, section, paragraph, sentence, clause, or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one or part or parts be declared unconstitutional or invalid.

Section 13. Safety. This Ordinance is deemed necessary for the protection of the health, welfare and safety of the community.

INTRODUCED, READ, ADOPTED AND ORDERED PUBLISHED this ____ day of _____, 2020.

THIS ORDINANCE SHALL BECOME EFFECTIVE THIRTY DAYS FROM PUBLICATION.

TOWN OF BUENA VISTA, COLORADO

By: _____
Mayor, Duff Lacy

ATTEST:

Paula Barnett, Town Clerk

(SEAL)